THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :6846 of 2005

DATED:23-02-2007

BETWEEN:

Suresh Kumar Agarwal & 6 others.

.....
PETITIONERS

AND

The Assistant Commissioner of Police,
Panjagutta police station,
Hyderabad & 3 others.

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Home appearing for the respondents.1 and 2, and the learned counsel appearing for the respondents 3 and 4.

2. Petitioners seek a writ of mandamus declaring the action of the respondents 1 to 3 in charging the petitioners 4 to 7 as trespassers in premises owned and possessed by the petitioners
1 to 3, wherein the petitioners 4 and 5 are conducting business on behalf of the petitioners 1 to 3, and in seizing the tent house materials in shops bearing Nos.G3, G3-A of Pavani Prestige, Ameerpet, Hyderabad, as illegal, and arbitrary.

3. Learned counsel appearing for the petitioners submits that the civil disputes between the petitioners and the unofficial respondents have been compromised and settled out of Court and therefore, the question of trespass does not arise. If that be so, if any of the charges levelled against the petitioners are compoundable he can as well file a representation before the concerned Investigating Officer to drop the proceedings. Even in respect of non-compoundable offences also, if the charge sheet has not been filed the complainant as well as the offenders both can file a joint representation before the Investigating Officer in which case it is for the Investigating Officer to enquire into the said representation and file a final report before the concerned.

4. Accordingly, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

23rd February, 2007.
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